

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:11-cv-265-RJC

WILLIAM ANDREW LITTLETON,)
)
Plaintiff,)
)
vs.)
)
SID HARKLEROAD, et al.)
)
)
Defendants.)
)

**PRETRIAL ORDER AND CASE
MANAGEMENT PLAN**

IN ACCORDANCE WITH the Local Rules of the Western District of North Carolina and pursuant to Rule 16 of the Federal Rules of Civil Procedure, the undersigned enters the following Pretrial Order and Case Management Plan in this matter.

DEADLINES AT A GLANCE

Discovery Completion:	September 15, 2013
Dispositive Motions:	October 15, 2013

I. DISCOVERY

- A. DISCOVERY GUIDELINES:** Discovery in this case is limited as follows: Each party may propound no more than **20** interrogatories, including subparts; no more than **20** requests for admission, and take no more than **6** depositions of non-expert witnesses.
- B. RESPONSES TO INTERROGATORIES AND REQUESTS FOR ADMISSION:**
Every response to an interrogatory or request for admission, and every objection thereto, shall be preceded by the original number and complete text of the corresponding interrogatory or request for admission.
- C. THE MAINTENANCE OF DISCOVERY MATERIALS:** Discovery materials are NOT to be filed prior to the filing of dispositive motions. All parties are advised to consult the local rule which provides that while depositions, interrogatories, and requests for admission, and responses thereto, must still be served on all parties, they are no longer to be filed unless upon order of the Court. The parties are responsible for the preservation of any and all discovery materials they may generate.
- D. PROTECTIVE ORDERS:** Any objections made to discovery requests shall be accompanied by a draft proposed protective order if such order is, or will be, requested. When parties submit proposed protective orders, they shall include a provision leaving the ultimate disposition of protected materials subject to a final order of the Court on the completion of litigation.
- E. DISCOVERY COMPLETION:** All discovery shall be complete no later than **September 15, 2013**. Supplementation per Rule 26(e) shall be due within **thirty (30) days** after obtaining applicable information. Parties are directed to initiate discovery requests and notice or subpoena depositions sufficiently in advance of the discovery

completion deadline so as to comply with this Order. Discovery requests that seek responses or schedule depositions after the discovery completion deadline are not enforceable except by order of the Court for good cause shown. The parties may consent to extensions of the discovery completion deadline so long as any such extension expires not later than ten (10) days prior to scheduled trial time. If a party requests an extension of time to respond to discovery requests or to extend the discovery deadline, the result of consultation with the opposing party must be stated in the motion.

II. MOTIONS

- A. DISPOSITIVE MOTIONS DEADLINE:** All motions except motions in limine and motions to continue shall be filed no later than **October 15, 2013**. Parties may not extend this deadline by agreement and stipulated extensions of the completion of discovery do not extend the Motions Deadline.
- B. MOTIONS HEARINGS:** Hearings on motions ordinarily will be conducted only when the Rules require a hearing, when the papers filed in support of and in opposition to the motion do not provide an adequate basis for decision, or at the request of a party and when the Court determines it would aid the decisional process. All motions requiring a hearing will be heard as soon as is practical. The Clerk will notify all parties as far in advance as possible of the date and time set for the hearing.
- C. MEMORANDA IN SUPPORT OF MOTIONS:** Every motion shall include, or be accompanied by, a brief written statement of the facts, a statement of the law, including citations of authority and the grounds on which the motion is based. Motions not in compliance with this Order are subject to summary denial.

D. RESPONSES AND REPLIES: Unless either party is allowed additional time by separate Court Order, responses to motions, if any, must be filed within fourteen (14) days of the date on which the motion is filed. Replies to responses, if any, must be filed within seven (7) days of the date on which the response is filed. Pursuant to Rule 6(e) [of the Rules], when a party serves a motion or response by any manner, the respondent shall have an additional three (3) days to file a response or reply.

E. ENLARGEMENT OF TIME: If parties need more than fourteen (14) days to file a response or seven (7) days to file a reply, a motion for extension of time shall be filed, accompanied by a proposed order. The moving party must show consultation with opposing party regarding the requested extension and must notify the Court of the views of opposing party on the request. If a party fails to make the requisite showing, the Court may summarily deny the request for extension.

F. MOTIONS TO COMPEL: A motion to compel must include a statement by the movant that the parties have conferred in good faith in an attempt to resolve the dispute and are unable to do so. Consistent with the spirit, purpose, and explicit directives of the Federal Rules of Civil Procedure and the Local Rules of the Western District of North Carolina, the Court expects all parties (and counsel) to attempt in good faith to resolve discovery disputes without the necessity of court intervention. Failure to do so may result in appropriate sanctions.

**III. SANCTIONS FOR FAILURE TO COMPLY
WITH THE PRETRIAL ORDER**

Failure to comply with any of the provisions of this Order which causes added delay or expense to the Court may result in the imposition of sanctions as provided by the Federal Rules of Civil Procedure.

Signed: May 17, 2013



Robert J. Conrad, Jr.
Chief United States District Judge
